

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT CHATTANOOGA**

CATHERINE BLACKMON,	)	
	)	
Plaintiff,	)	
	)	
v.	)	No. _____
	)	
LIFE INSURANCE COMPANY OF NORTH	)	
AMERICA,	)	
	)	
Defendant.	)	

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**NOTICE OF REMOVAL**

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Defendant Life Insurance Company of North America (“LINA” or “Defendant”) files this Notice to remove to this Court an action brought against it and currently pending in the Circuit Court of Hamilton County, Tennessee, bearing Docket No. 15C775, and with respect thereto, would show this Court as follows:

I.

The above-styled cause was commenced in the Circuit Court of Hamilton County, Tennessee, Case No. 15C775, by virtue of a Complaint filed by Plaintiff Catherine Blackmon (“Plaintiff”) on June 23, 2015, against LINA.

II.

The Tennessee Department of Commerce and Insurance was served with a copy of the Complaint and Summons on July 1, 2015, a date less than 30 days before the filing of this Notice of Removal. Pursuant to 28 U.S.C. § 1446(a), a copy of the Complaint, along with copies of process, are attached hereto and made a part of this Notice by reference.

### III.

This action is one of a civil nature for damages claimed as a result of alleged breach of a long term disability (“LTD”) insurance contract by the Defendant. Plaintiff was a participant in an insurance policy purchased through LINA (“Policy”). See Complaint, ¶¶ 2, 3. Plaintiff’s action is civil in nature, there is complete diversity jurisdiction, and this Court has jurisdiction over Plaintiff’s action under the provisions of 28 U.S.C. § 1332(a)(1) and (c)(1) and 28 U.S.C. § 1441, et seq. Upon information and belief, Plaintiff is a citizen of the State of Tennessee. See Complaint ¶ 1. Defendant is a corporation organized in the State of Pennsylvania with its principal address as 1600 Chestnut Street, Philadelphia, PA 19192.

While Plaintiff’s Complaint does not allege a specific total monetary amount of damages, the Complaint seeks damages for breaching her LTD Plan, Complaint, ¶¶ 52, 63; asks for pre-judgment interest on all benefits that have accrued prior to the date of judgment, Complaint ¶ 2 of Prayer for Relief; and asks for a judgment for Defendant to pay the amount of her future benefits, Complaint ¶ 3 of the Prayer for Relief. Plaintiff’s Complaint also alleges that LINA failed to act in good faith, Complaint, ¶ 63 and ¶ 6 of the Prayer for Relief, in which she seeks an additional 25% of the liability determined for any alleged “bad faith handling” of her claim. Plaintiff’s alleged past due (04/12/2014 through 07/12/2015) amount of benefits total about \$16,335.00, and the net present value of her future benefits (discounted at 4.23%), if awarded, total about \$127,787.00. As such, a fair reading of the Plaintiff’s Complaint establishes that the amount in controversy exceeds \$75,000.00.

IV.

The time period within which Defendants are required to file this Notice of Removal pursuant to 28 U.S.C. § 1446 has not yet expired. Defendant was served no earlier than July 1, 2015.

V.

Defendant files herewith a copy of all process, pleadings, and orders served upon it in this action. Since the date on which the Defendant was served with the summons and a copy of the Complaint, there have been no other proceedings in this case in the Circuit Court of Hamilton County, Tennessee.

VI.

Notice to the Circuit Court of Hamilton County, which attaches a duplicate of this Notice of Removal to federal court, is being filed with the Clerk of the Circuit Court of Hamilton County, as required by 28 U.S.C. § 1446(d).

VII.

Notice of the filing of this Notice of Removal will be sent to the Plaintiff, the only adverse party, as required by 28 U.S.C. § 1446(d).

VIII.

The allegations of this Notice are true and correct and within the jurisdiction of the United States District Court for the Eastern District of Tennessee and, as noted above, this cause of action is believed to be removable to the United States District Court for the Eastern District of Tennessee.

WHEREFORE, Defendant files this Notice for the purpose of removing this action from the Circuit Court of Hamilton County, to the United States District Court for the Eastern District of Tennessee.

Respectfully submitted,

BAKER, DONELSON, BEARMAN,  
CALDWELL & BERKOWITZ, P.C.

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### **CERTIFICATE OF SERVICE**

I hereby certify that on July 22, 2015, a copy of the foregoing was filed electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt. All other parties will be served by regular U.S. Mail. Parties may access this filing through the Court's electronic filing system.

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By: s/Cameron S. Hill